## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

LEROY CHISHOLM,	)
Petitioner,	) CASE NO. 4:16cv3052 )
-VS-	)
WARDEN MERLAK,	) ) ) JUDGE CHRISTOPHER A. BOYKO
Respondent.	)
	) ) ORDER

On December 21, 2016, Petitioner filed a *pro se* Petition for Writ of *Habeas*Corpus pursuant to 28 U.S.C. § 2241 (Dkt. #1). The case was referred to Magistrate

Judge George J. Limbert pursuant to Local Rule 72.2. On June 21, 2017, the

Magistrate Judge recommended that Respondent's Motion to Dismiss be denied, that

Petitioner's Petition be construed as a §2255 Motion and transfer the instant case to

the United States District Court Southern District of Georgia (Dkt. #7).

FED. R. CIV.P. 72(b) provides that objections to a Report and Recommendation must be filed within fourteen days after service, but Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited

resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985);

Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991);

United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, Magistrate Judge Limbert's Report and Recommendation is

ADOPTED and Petitioner's Writ of Habeas Corpus (Dkt.#1) is construed as a 28

U.S.C. § 2255 motion. As a 28 U.S.C. § 2255 motion is properly filed in the

jurisdiction where Petitioner was sentenced, the instant case is transferred to the

United States District Court, Southern District of Georgia. Respondent's Motion to

Dismiss is denied.

Furthermore, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an

appeal from this decision could not be taken in good faith, and that there is no basis

upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App.

P. 22(b).

IT IS SO ORDERED.

Dated: 7/10/2017

S/Christopher A. Boyko CHRISTOPHER A. BOYKO

**UNITED STATES DISTRICT JUDGE**